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**Sent by email**

Date: 15/02/2022

**Subject: Request for variation to the MSC Certification Requirement v2.2 FCP-7.18.1.3 for Western Australia abalone**

Dear Sabine Daume,

I write with reference to your submission on 01/02/2022 of a request for variation to the MSC Certification Requirement (CR) to allow:

To extend the existing condition beyond the next certification cycle due to exceptional circumstances.

As you are aware, the CR procedures relating to v2.2 FCP-7.18.1.3 state:

The CAB shall draft conditions to result in improved performance to at least the 80 level within a period set by the CAB but no longer than the term of the certification

These are integral to ensuring all MSC accredited Conformity Assessment Bodies operate in a consistent and transparent manner. The MSC intends that these requirements be met across all fisheries and CoC certificate holders, except in exceptional, well-justified circumstances, as part of the MSC programme.

**MSC notes the factors presented supporting your request, including:**

- Having combined conditions 1 and 4 in the second audit, during the following audits it became apparent that the stock is much lower than expected by the management agency (through the developed stock rebuilding strategy) and that a rebuilding timeframe beyond the certification period is required.
- At that stage the invoking of exceptional circumstances was no longer possible as the condition was already written (FCP 7.18.1.6).

**In this case the rationale is insufficient for the MSC to grant a variation to the CR. This request is therefore declined.**

- GCR 4.12.2.d - The CAB shall only submit variation requests in advance of the circumstances occurring. The MSC will not accept retrospective variation requests.
- The variation request is retrospective because the condition deadline has already been extended, as published in the 4th surveillance audit report.

If you have any questions regarding this response, please do not hesitate to contact the relevant Fisheries Assessment Manager for this fishery.

Marine Stewardship Council  
cc: Assurance Services International